

**UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT**

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff	:	CRIMINAL ACTION NO.
v.	:	3:08-cr-4 (JCH)
	:	
JOHN HOBSON	:	SEPTEMBER 29, 2008
	:	
Defendant.	:	

**ORDER DENYING MOTION TO SEVER BY DEFENDANT HOBSON [Doc. No. 258]**

On January 8, 2008, seventeen defendants were indicted under 21 U.S.C. §§ 841(a)(1) and 846 with Conspiracy to Distribute 50 Grams or More of Cocaine Base, and Possession of Cocaine Base With Intent to Distribute. On April 2, 2008, defendant John Hobson made a Motion to Sever, asking that he be tried separately from his alleged co-conspirators. On September 23, 2008, the grand jury returned a superseding indictment splitting the charges into several counts. On September 25, 2008, the court announced that it would try counts one and two of the indictment separately.

In his Motion, Hobson requests a separate trial on the ground that a joint trial will prejudice him. To the extent Hobson requests a severance from the trial of defendants with whom he is not alleged to have conspired, that request is rendered moot by the return of the superseding indictment and the court's determination to try the counts separately. To the extent Hobson requests to be tried alone, he has failed to demonstrate a "serious risk that a joint trial" would compromise "a specific trial right . . . or prevent the jury from making a reliable judgment about guilt or innocence." United

States v. Yousef, 327 F.3d 56, 150 (2d Cir. 2003) (citation omitted). Nor has he demonstrated “‘substantial’ spillover prejudice” constituting a “miscarriage of justice,” United States v. Diaz, 176 F.3d 52, 102 (2d Cir. 1999), or that such prejudice is “sufficiently severe to outweigh the judicial economy that would be realized by avoiding multiple lengthy trials,” United States v. Walker, 142 F.3d 103, 110 (2d Cir. 1998) (citations omitted). Should Mr. Hobson wish further severance beyond that afforded by the superseding indictment, he may make a motion no later than October 20, 2008.

### **III. CONCLUSION**

For the foregoing reasons, the court DENIES Hobson’s Motion to Sever [**Doc. No. 258**].

**SO ORDERED.**

Dated at Bridgeport, Connecticut this 29th day of September, 2008.

/s/ Janet C. Hall  
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Janet C. Hall  
United States District Judge